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February 15, 2001

**BY HAND DELIVERY**

Jeff S. Jordan, Esq.  
Supervisory Attorney  
Central Enforcement Docket  
Federal Election Commission  
999 E Street N.W.  
Washington, DC 20463

Re: **MUR 5163**

Dear Mr. Jordan:

On behalf of our client, Meeks for Congress, we submit this response to the complaint in the above referenced matter under review.

If you have any questions, please feel free to call me at (202) 662-9700.

Sincerely,

  
Stanley M. Brand

CAR:mlc

enclosure

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FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL  
FEB 16 3 04 PM '01

21-04-405-1907

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of:

Meeks for Congress 2000,  
and Charles H. Reeves III,  
Treasurer

Respondents.

Matter Under Review 5163

RESPONSE TO THE COMPLAINT BY MEEKS FOR CONGRESS 2000  
AND ITS TREASURER

I. Introduction

Meeks for Congress 2000, Inc., and its treasurer, Charles H. Reeves III (collectively, the "Respondents"), respectfully submit the following response to the complaint filed in the above referenced matter under review. For the reasons set forth herein, the Respondents respectfully request that the Commission promptly dismiss this matter.

II. The Complaint

The complainant has alleged that contributions to Meeks for Congress were delivered to Congressman Meeks' Jamaica District Office in Jamaica, New York ("JDO") in violation of 18 U.S.C. § 607. Complaint at 1. The complainant further alleged that individuals associated with Meeks for Congress "unlawfully" met at the JDO to discuss an upcoming fundraising dinner reception for Congressman Meeks. *Id* at 2-3.

### III. Response

Section 607 of Title 18 makes it unlawful for anyone to receive a contribution for a federal election in any room or building where federal employees are engaged in official duties. 18 U.S.C. § 607(a). It specifically exempts, however, contributions received by a Member's staff, provided there had been no request that the contributions be delivered to the office and the contributions were quickly forwarded to the Member's campaign committee. 18 U.S.C. § 607(b).

In this case, the complainant has not alleged that Congressman Meeks or any member of his staff requested a contribution be delivered to the JDO. On the contrary, the solicitation materials provided by the complainant clearly state that contributions were to be delivered to the Meeks for Congress post office box provided on the face of the solicitation.

As for "unlawful" meetings, the complainant herself notes that they occurred at or after 5 p.m., and it is well settled that congressional employees are free to engage in partisan political activities in their free time. *See Common Cause v. Bolger*, 574 F. Supp. 672 (D.D.C. 1982), *aff'd*, 461 U.S. 911 (1983) and *Campaign Work by Congressional Staff*, Chapter 8, United States House of Representatives Ethics Manual (2000).

Nevertheless, each of the allegations made in the complaint fall outside the jurisdiction of the Federal Election Commission and for that reason must be dismissed.

606 F. Supp. 1012